

[COMMITTEE PRINT]

APRIL 29, 2004 (REFLECTING AMENDMENTS ADOPTED BY THE
SUBCOMMITTEE ON TELECOMMUNICATIONS AND THE INTERNET)

108TH CONGRESS
2D SESSION

H. R. _____

To extend the statutory license for secondary transmissions under section 119 of title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions, and for other purposes.

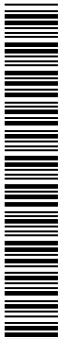
IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To extend the statutory license for secondary transmissions under section 119 of title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*



1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Satellite Home Viewer Extension and Reauthorization
4 Act of 2004”.

5 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE II—FEDERAL COMMUNICATIONS COMMISSION OPERATIONS

Sec. 201. Extension of retransmission consent exemption.

Sec. 202. Cable/satellite comparability.

Sec. 203. Carriage of local stations on a single dish.

Sec. 204. Replacement of distant signals with local signals.

Sec. 205. Additional notices to subscribers, networks, and stations concerning
signal carriage.

Sec. 206. Privacy rights of satellite subscribers.

Sec. 207. Reciprocal bargaining obligations.

Sec. 208. Unserved digital customers.

Sec. 209. Reduction of required tests.

6 **TITLE II—FEDERAL COMMU-**
7 **NICATIONS COMMISSION OP-**
8 **ERATIONS**

9 **SEC. 201. EXTENSION OF RETRANSMISSION CONSENT EX-**
10 **EMPTION.**

11 Section 325(b)(2)(C) of the Communications Act of
12 1934 (47 U.S.C. 325(b)(2)(C)) is amended by striking
13 “December 31, 2004” and inserting “December 31,
14 2009”.

15 **SEC. 202. CABLE/SATELLITE COMPARABILITY.**

16 (a) AMENDMENT.—Part I of title III of the Commu-
17 nications Act of 1934 is amended by inserting after sec-
18 tion 339 (47 U.S.C. 339) the following new section:



1 **“SEC. 340. ADDITIONAL LOCAL SIGNALS PERMITTED TO BE**
2 **CARRIED.**

3 “(a) **ADDITIONAL STATIONS ELIGIBLE.**—In addition
4 to the signals that subscribers may receive under section
5 338, satellite carriers are also authorized to retransmit to
6 subscribers located in a community the signals that a cable
7 system in the same community is authorized to retransmit
8 pursuant to section 111 of title 17, United States Code,
9 if such station is, on the date of enactment of the Satellite
10 Home Viewer Extension and Reauthorization Act of 2004,
11 treated as significantly viewed in such community in ac-
12 cordance with the rules, regulations, and authorizations
13 of the Commission.

14 “(b) **PETITIONS FROM SATELLITE CARRIERS.**—The
15 Commission shall permit a satellite carrier to petition for
16 decisions and orders by which stations and communities
17 may be added to or removed from those that are eligible
18 for retransmission on the date of enactment of the Sat-
19 ellite Home Viewer Extension and Reauthorization Act of
20 2004 under subsection (a) by reason of meeting or failing
21 to meet the criteria in such subsection on a later date.

22 “(c) **NO EFFECT ON CARRIAGE OBLIGATIONS.**—A
23 signal that is eligible to be carried under this section is
24 not required to be carried pursuant to section 338, and
25 the right of a station licensee to have the signal of such



1 station carried under section 338 is not affected by the
2 eligibility of such station to be carried under this section.

3 “(d) RETRANSMISSION CONSENT NOT AFFECTED.—

4 The right of a station licensee to require retransmission
5 consent under section 325(b)(1) is not affected by the eli-
6 gibility of such station to be carried under this section.

7 “(e) RULEMAKING.—

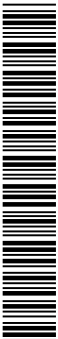
8 “(1) REQUIREMENTS.—The Commission
9 shall—

10 “(A) commence a rulemaking proceeding
11 to implement this section by publication of a
12 notice of proposed rulemaking within 180 days
13 after the date of enactment of the Satellite
14 Home Viewer Extension and Reauthorization
15 Act of 2004;

16 “(B) include in such notice a list of the
17 stations or communities eligible for carriage
18 under subsection (a); and

19 “(C) adopt rules pursuant to such rule-
20 making within one year after such date of en-
21 actment.

22 “(2) INTERIM ELIGIBILITY.—Stations and com-
23 munities listed as eligible for carriage in the notice
24 of proposed rulemaking issued by the Commission
25 under paragraph (1) may be treated as eligible for



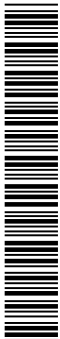
1 carriage under this section on an interim basis pend-
2 ing adoption of such rules and publication of the list
3 of eligible stations and communities under such
4 rules.”.

5 (b) CORRESPONDING CHANGE IN REGULATIONS.—

6 (1) COMMUNITY-BY-COMMUNITY ELECTIONS.—

7 The Federal Communications Commission shall, no
8 later than April 30, 2005, revise section 76.66 of its
9 regulations (47 CFR 76.66), concerning satellite
10 broadcast signal carriage, to permit a television
11 broadcast station that is located in a local market
12 into which a satellite carrier retransmits a television
13 broadcast station on the basis of a statutory license
14 under section 122 of title 17, United States Code,
15 to elect, with respect to such satellite carrier, be-
16 tween retransmission consent pursuant to section
17 325 of the Communications Act of 1934 (47 U.S.C.
18 325) and mandatory carriage pursuant to section
19 338 of such Act (47 U.S.C. 338) separately for each
20 community within its local market.

21 (2) SINGLE NEGOTIATIONS.—In revising its
22 regulations as required by paragraph (1), the Com-
23 mission shall provide that any such station shall con-
24 duct a single negotiation for the entire portion of its



1 local market for which retransmission consent is
2 elected.

3 **SEC. 203. CARRIAGE OF LOCAL STATIONS ON A SINGLE**
4 **DISH.**

5 Section 338 of the Communications Act of 1934 (47
6 U.S.C. 338(d) is amended—

7 (1) by redesignating subsections (g) and (h) as
8 subsections (j) and (k), respectively;

9 (2) by inserting after subsection (f) the fol-
10 lowing new subsection:

11 “(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE
12 DISH.—

13 “(1) SINGLE DISH.—Each satellite carrier that
14 carries the signals of local television broadcast sta-
15 tions in a local market shall retransmit the signals
16 of all local television broadcast stations in such mar-
17 ket to subscribers by means of a single reception an-
18 tenna and associated equipment.

19 “(2) EXCEPTION.—Notwithstanding paragraph
20 (1), if the carrier carries signals in the digital tele-
21 vision service, the carrier may retransmit the digital
22 television service signals in such market to sub-
23 scribers by means of a single reception antenna and
24 associated equipment that is separate from the sin-
25 gle reception antenna and associated equipment used



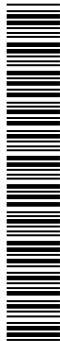
1 for signals that are not in the digital television serv-
2 ice.

3 “(3) EFFECTIVE DATE.—The requirements of
4 paragraphs (1) and (2) of this subsection shall apply
5 on and after one year after the date of enactment
6 of the Satellite Home Viewer Extension and Reau-
7 thorization Act of 2004.

8 “(4) NOTICE OF DISRUPTIONS.—A carrier that
9 is providing signals of a local television broadcast
10 station in a local market under this section on the
11 date of enactment of the Satellite Home Viewer Ex-
12 tension and Reauthorization Act of 2004 shall, not
13 later than 270 days after such date of enactment,
14 provide to the licensees for such stations and the
15 carrier’s subscribers in such local market a notice
16 that displays prominently and conspicuously a clear
17 statement of—

18 “(A) any reallocation of signals between
19 different reception antennas and associated
20 equipment that the carrier intends to make in
21 order to comply with the requirements of this
22 subsection;

23 “(B) the need, if any, for subscribers to
24 obtain an additional reception antenna and as-
25 sociated equipment to receive such signals; and



1 “(C) any cessation of carriage or other ma-
2 terial change in the carriage of signals as a con-
3 sequence of the requirements of this paragraph.

4 “(5) ENFORCEMENT.—Notwithstanding any
5 other provision of this section, the Commission may
6 enforce this section and any regulation thereunder in
7 accordance with titles IV and V of this Act.”.

8 **SEC. 204. REPLACEMENT OF DISTANT SIGNALS WITH**
9 **LOCAL SIGNALS.**

10 Section 339(a) of the Communications Act of 1934
11 (47 U.S.C. 339(a)) is amended—

12 (1) by redesignating paragraph (2) as para-
13 graph (3); and

14 (2) by inserting after paragraph (1) the fol-
15 lowing new paragraph:

16 “(2) REPLACEMENT OF DISTANT SIGNALS WITH
17 LOCAL SIGNALS.—Notwithstanding any other provi-
18 sion of paragraph (1), the following rules shall apply
19 after the date of enactment of the Satellite Home
20 Viewer Extension and Reauthorization Act of 2004:

21 “(A) RULES FOR GRANDFATHERED SUB-
22 SCRIBERS.—In the case of a subscriber of a sat-
23 ellite carrier who is eligible to receive the signal
24 of a network station by reason of section 119(e)
25 of title 17, United States Code (in this subpara-



1 graph referred to as a ‘distant signal’), the fol-
2 lowing shall apply:

3 “(i) In a case in which the signal of
4 a local network station affiliated with the
5 same network pursuant to the statutory li-
6 cense under section 122 is made available
7 by that satellite carrier to the subscriber
8 on the date of the enactment of the Sat-
9 ellite Home Viewer Extension and Reau-
10 thorization Act of 2004, the carrier may
11 only provide the secondary transmissions
12 of the distant signal of such network sta-
13 tion to that subscriber—

14 “(I) if, within 60 days after re-
15 ceiving the notice of the satellite car-
16 rier under section 338(h)(1) of the
17 Communications Act of 1934, the
18 subscriber elects to retain the distant
19 signal; but

20 “(II) only until such time as the
21 subscriber elects to receive such local
22 signal.

23 “(ii) In a case in which the signal of
24 a local network station affiliated with the
25 same network pursuant to the statutory li-



1 cense under section 122 is not made avail-
2 able by that satellite carrier to the sub-
3 scriber on the date of the enactment of the
4 Satellite Home Viewer Extension and Re-
5 authorization Act of 2004, the carrier may
6 only provide the secondary transmissions
7 of the distant signal of such network sta-
8 tion to that subscriber—

9 “(I) if, within 60 days after re-
10 ceiving the notice of the satellite car-
11 rier under section 338(h)(1), of the
12 availability of such local signal, the
13 subscriber elects to retain the distant
14 signal; but

15 “(II) only until such time as the
16 subscriber elects to receive such local
17 signal.

18 “(iii) Notwithstanding clauses (i) and
19 (ii), the carrier may not retransmit the dis-
20 tant signal to any subscriber who is eligible
21 to receive the signal of a network station
22 by reason of section 119(e) of title 17,
23 United States Code, unless such carrier,
24 within 60 days after the date of the enact-
25 ment of the Satellite Home Viewer Exten-



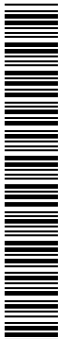
1 sion and Reauthorization Act of 2004, sub-
2 mits to that network the list and statement
3 required by section 338(h)(2).

4 “(B) RULES FOR OTHER SUBSCRIBERS.—

5 In the case of a subscriber of a satellite carrier
6 who is eligible to receive the signal of a network
7 station under the statutory license under sec-
8 tion 119(a)(2) of title 17, United States Code
9 (in this subparagraph referred to as a ‘distant
10 signal’), other than subscribers to whom sub-
11 paragraph (A) applies, the following shall apply:

12 “(i) In a case in which the signal of
13 a local network station affiliated with the
14 same network pursuant to the statutory li-
15 cense under section 122 is made available
16 by that satellite carrier to the subscriber
17 on the date of the enactment of the Sat-
18 ellite Home Viewer Extension and Reau-
19 thorization Act of 2004, the carrier may
20 only provide the secondary transmissions
21 of the distant signal of such network sta-
22 tion to that subscriber—

23 “(I)(aa) if, on such date of enact-
24 ment, the subscriber is receiving such



1 distant signal and is also receiving
2 such local signal, and

3 “(bb) the subscriber’s satellite
4 carrier, within 60 days after the date
5 of the enactment of the Satellite
6 Home Viewer Extension and Reau-
7 thorization Act of 2004, submits to
8 that network the list and statement
9 required by section 338(h)(2); or

10 “(II)(aa) if, on such date of en-
11 actment, the subscriber is receiving
12 such distant signal and is not receiv-
13 ing such local signal; but

14 “(bb) only until such time as the
15 subscriber elects to receive such local
16 signal.

17 “(ii) In a case in which the signal of
18 a local network station affiliated with the
19 same network pursuant to the statutory li-
20 cense under section 122 is not made avail-
21 able by that satellite carrier to a subscriber
22 on the date of the enactment of the Sat-
23 ellite Home Viewer Extension and Reau-
24 thorization Act of 2004, the carrier may
25 only provide the secondary transmissions



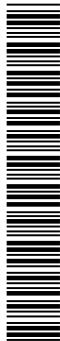
1 of the distant signal of such network sta-
2 tion to that subscriber—

3 “(I) who is subscriber of that
4 satellite carrier on such date of enact-
5 ment, or

6 “(II) who becomes a subscriber
7 of that satellite carrier after such date
8 but before the local signal is made
9 available by the carrier,
10 but only until such time as the subscriber
11 elects to receive the local signal from that
12 satellite carrier.

13 “(C) FUTURE APPLICABILITY.—A satellite
14 carrier may not provide a distant signal (within
15 the meaning of subparagraph (A) or (B)) to
16 any person to whom the signal of a local net-
17 work station pursuant to the statutory license
18 under section 122 of title 17, United States
19 Code, is available before the person becomes a
20 subscriber.

21 “(D) NULLIFICATION OF EXISTING WAIV-
22 ERS.—In the case of any subscriber to whom
23 subparagraph (B)(i)(II) or (B)(ii) applies, at
24 such time as the subscriber elects to receive the
25 local signal of a network station, any waiver by



1 that network station under section 339(c)(2)
2 shall cease to be effective with respect to that
3 subscriber.

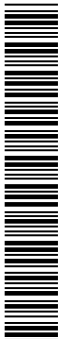
4 “(E) OTHER PROVISIONS NOT AF-
5 FECTED.—This paragraph shall not affect the
6 eligibility of a subscriber to receive secondary
7 transmissions under section 119(a)(2)(D) of
8 title 17, United States Code, or as an unserved
9 household included under section 119(a)(11) of
10 such title. ”.

11 **SEC. 205. ADDITIONAL NOTICES TO SUBSCRIBERS, NET-**
12 **WORKS, AND STATIONS CONCERNING SIGNAL**
13 **CARRIAGE.**

14 Section 338 of the Communications Act of 1934 (47
15 U.S.C. 338) is further amended by inserting after sub-
16 section (g) (as added by section 203) the following new
17 subsection:

18 “(h) ADDITIONAL NOTICES TO SUBSCRIBERS, NET-
19 WORKS, AND STATIONS CONCERNING SIGNAL CAR-
20 RIAGE.—

21 “(1) NOTICES TO AND ELECTIONS BY SUB-
22 SCRIBERS CONCERNING GRANDFATHERED SIG-
23 NALS.—Any carrier that provides a distant signal of
24 a network station to a subscriber pursuant to a stat-



1 utory license under section 119(a)(3)(A) of title 17,
2 United States Code, shall—

3 “(A) within 60 days after the local signal
4 of a network station of the same network is
5 available pursuant to a statutory license under
6 section 122, or within 60 days after the date of
7 enactment of the Satellite Home Viewer Extension
8 and Reauthorization Act of 2004, whichever
9 ever is later, send a notice to the subscriber—

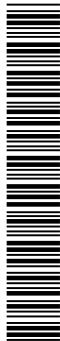
10 “(i) offering to substitute the local
11 network signal for the duplicating distant
12 network signal; and

13 “(ii) informing the subscriber that, if
14 the subscriber fails to respond in 60 days,
15 the subscriber will lose the distant network
16 signal but will be permitted to subscribe to
17 the local network signal; and

18 “(B) if the subscriber—

19 “(i) elects to substitute such local net-
20 work signal within such 60 days, switch
21 such subscriber to such local network sig-
22 nal; or

23 “(ii) fails to respond within such 60
24 days, terminate the distant network signal.



1 “(2) NOTICES TO NETWORKS OF DISTANT SIG-
2 NAL SUBSCRIBERS.—Within 60 days after the date
3 of enactment of the Satellite Home Viewer Exten-
4 sion and Reauthorization Act of 2004, each satellite
5 carrier that provides a distant signal of a network
6 station to a subscriber pursuant to a statutory li-
7 cense under section 119(a)(3)(A)(i) or (ii) or
8 119(a)(3)(B)(i) of title 17, United States Code, shall
9 submit to each network—

10 “(A) a list, aggregated by designated mar-
11 ket area, identifying each subscriber provided
12 such a signal by—

13 “(i) name;

14 “(ii) address (street or RFD number,
15 city, state, and zip code); and

16 “(iii) the distant network signal or
17 signals received; and

18 “(B) a statement that, to the best of the
19 carrier’s knowledge and belief after having
20 made diligent and good faith inquiries, the sub-
21 scriber is qualified under the existing law to re-
22 ceive the distant network signal or signals pur-
23 suant to a statutory license under section
24 119(a)(3)(A)(i) or (ii) or 119(a)(3)(B)(i) of
25 title 17, United States Code.



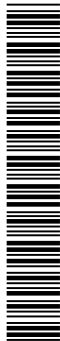
1 “(3) NOTICE TO STATION LICENSEES OF COM-
2 MENCEMENT OF LOCAL-INTO-LOCAL SERVICE.—

3 “(A) NOTICE REQUIRED.—Within 180
4 days after the date of enactment of the Satellite
5 Home Viewer Extension and Reauthorization
6 Act of 2004, the Commission shall revise the
7 regulations under this section relating to notice
8 to broadcast station licensees to comply with
9 the requirements of this paragraph.

10 “(B) CONTENTS OF COMMENCEMENT NO-
11 TICE.—The notice required by such regulations
12 shall inform each television broadcast station li-
13 censee within any local market in which a sat-
14 ellite carrier proposes to commence carriage of
15 signals of stations from that market, not later
16 than 60 days prior to the commencement of
17 such carriage—

18 “(i) of the carrier’s intention to
19 launch local-into-local service under this
20 section in a local market, the identity of
21 that local market, and the location of the
22 carrier’s proposed local receive facility for
23 that local market;

24 “(ii) of the right of such licensee to
25 elect carriage under this section or grant



1 retransmission consent under section
2 325(b);

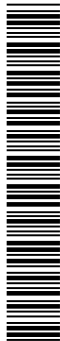
3 “(iii) that such licensee has 30 days
4 from the date of the receipt of such notice
5 to make such election; and

6 “(iv) that failure to make such elec-
7 tion will result in the loss of the right to
8 demand carriage under this section for the
9 remainder of the 3-year cycle of retrans-
10 mission consent agreements under section
11 325.

12 “(C) TRANSMISSION OF NOTICES.—Such
13 regulations shall require that each satellite car-
14 rier shall transmit the notices required by such
15 regulation via certified mail to the address for
16 such television station licensee listed in the con-
17 solidated database system maintained by the
18 Commission.

19 “(4) NOTICES CONCERNING SIGNIFICANTLY
20 VIEWED STATIONS.—Each satellite carrier that pro-
21 poses to commence the retransmission of a station
22 pursuant to section 340 in any local market shall—

23 “(A) not less than 60 days before com-
24 mencing such retransmission, provide a written



1 notice to any television broadcast station in
2 such local market of a such proposal; and
3 “(B) designate on such carrier’s website all
4 significantly viewed signals carried pursuant to
5 section 340 and the communities in which the
6 signals are carried.”.

7 **SEC. 206. PRIVACY RIGHTS OF SATELLITE SUBSCRIBERS.**

8 Section 338 of the Communications Act of 1934 (47
9 U.S.C. 338) is further amended by inserting after sub-
10 section (h) (as added by section 205) the following new
11 subsection:

12 “(i) EXTENSION OF PRIVACY RIGHTS TO SATELLITE
13 SUBSCRIBERS.—A satellite carrier shall provide to each
14 subscriber to the transmission service of such satellite car-
15 rier the same protections for the privacy rights of such
16 subscriber that a cable operator is required to provide to
17 a subscriber for cable service under section 631. For the
18 purposes of section 631—

19 “(1) a subscriber to the transmission service of
20 a satellite carrier shall have the same rights and
21 remedies under such section with respect to such
22 carrier as a cable subscriber has with respect to a
23 cable operator, and shall be treated as a cable sub-
24 scriber;



1 “(2) such a satellite carrier shall, with respect
2 to such a subscriber, be treated as a cable operator;

3 “(3) the transmissions of such carrier shall,
4 with respect to such a subscriber, be treated as a
5 cable service or other service;

6 “(4) any facilities used by the carrier to collect
7 programming selection or subscription information
8 from such a subscriber shall be treated as part of
9 such carrier’s cable system; and

10 “(5) a governmental entity may obtain the
11 same access to the personally identifiable informa-
12 tion of such a subscriber, subject to the same limita-
13 tions and procedures, as such entity has to such in-
14 formation of a cable subscriber.”.

15 **SEC. 207. RECIPROCAL BARGAINING OBLIGATIONS.**

16 (a) AMENDMENTS.—Section 325(b)(3)(C) of the
17 Communications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is
18 amended—

19 (1) by striking “Within 45 days” and all that
20 follows through “1999, the” and inserting “The”;

21 (2) by striking the second sentence;

22 (3) by striking “and” at the end of clause (i);

23 (4) in clause (ii)—

24 (A) by striking “January 1, 2006” and in-
25 serting “January 1, 2010”



1 (B) by striking the period at the end and
2 inserting “; and”; and

3 (5) by adding at the end the following new
4 clauses:

5 “(iii) until January 1, 2010, prohibit
6 a multichannel video programming dis-
7 tributor from failing to negotiate in good
8 faith for retransmission consent under this
9 section, and it shall not be a failure to ne-
10 gotiate in good faith if the distributor en-
11 ters into retransmission consent agree-
12 ments containing different terms and con-
13 ditions, including price terms, with dif-
14 ferent broadcast stations if such different
15 terms and conditions are based on com-
16 petitive marketplace considerations.”.

17 (b) DEADLINE.—The Federal Communications Com-
18 mission shall prescribe regulations to implement the
19 amendments made by subsection (a)(5) within 180 days
20 after the date of enactment of this Act.

21 **SEC. 208. UNSERVED DIGITAL CUSTOMERS.**

22 (a) INQUIRY REQUIRED.—The Federal Communica-
23 tions Commission shall initiate an inquiry to recommend
24 the appropriate methodologies or models (or both) for de-
25 termining which subscribers to satellite carriers are in lo-



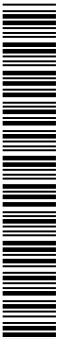
1 cations where the subscriber will be unable, on and after
2 January 1, 2007, to receive broadcast digital television
3 signals of sufficient intensity to be able to receive and dis-
4 play digital television service using receiving terrestrial
5 outdoor antennas of reasonable cost and ease of installa-
6 tion.

7 (b) REPORT REQUIRED.—The Federal Communica-
8 tions Commission shall submit a report on the results of
9 the inquiry required by subsection (a) to the Committee
10 on Energy and Commerce of the House of Representatives
11 and the Committee on Commerce, Science, and Transpor-
12 tation of the Senate not later than December 31, 2005.
13 Such report shall include—

14 (1) a proposal concerning an appropriate digital
15 signal strength standard;

16 (2) a proposal concerning a predictive model for
17 determining which consumers receive a digital signal
18 that meets or exceeds such digital signal strength
19 standard;

20 (3) an analysis of whether it is possible to iden-
21 tify the areas of the country that will not, on and
22 after January 1, 2007, be able to receive a digital
23 television signal that meets or exceeds such digital
24 signal strength standard; and



1 (4) if possible, an identification, on a county-by-
2 county basis, of such areas for each television net-
3 work.

4 **SEC. 209. REDUCTION OF REQUIRED TESTS.**

5 Section 339(c)(4) of the Communications Act of 1934
6 (47 U.S.C. 339(c)(4) is amended by inserting after sub-
7 paragraph (C) the following new subparagraph:

8 “(D) REDUCTION OF VERIFICATION BUR-
9 DENS.—Within one year after the date of enact-
10 ment of the Satellite Home Viewer Extension
11 and Reauthorization Act of 2004, the Commis-
12 sion shall by rule exempt from the verification
13 requirements of subparagraph (A) any request
14 for a test made by a subscriber—

15 “(i) who receives or is able to receive
16 the retransmission of local broadcast sta-
17 tions under section 122 of title 17, United
18 States Code; or

19 “(ii) for whom the predictive model
20 required by paragraph (3) predicts a signal
21 intensity that exceeds the signal intensity
22 standard in effect under section
23 119(d)(10)(A) of such title by such num-
24 ber of decibels as the Commission specifies
25 in such rule.”.

